



Reprinted
January 29, 2008

SENATE BILL No. 280

DIGEST OF SB 280 (Updated January 28, 2008 6:27 pm - DI 73)

Citations Affected: IC 6-1.1; IC 36-3; IC 36-6; IC 36-8; noncode.

Synopsis: Marion County government. Provides that on July 1, 2008: (1) the mayor of the consolidated city is responsible for the consolidated law enforcement agency; and (2) the county sheriff's department, under the direction and control of the sheriff, is responsible only for county jail operations and facilities, security for city and county buildings and property, service of civil process and collection of taxes under tax warrants, and sex and violent offender registration. Provides that on January 1, 2009, the fire departments of all of the following are consolidated into the fire department of the consolidated city: (1) The townships in the county containing the consolidated city. (2) A fire protection territory in the county containing the consolidated city. Provides that a transfer of duties between units of government results in the transfer of property, equipment, records, rights, contracts (including labor contracts), and indebtedness. Provides that a firefighter who is a member of the 1937 or 1977 fund remains a member of the same fund after the consolidation. Requires the consolidated fire department to develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. Requires the mayor of the consolidated city to establish a professional standards board with responsibility after December 31, 2008, for establishing, validating, (Continued next page)

Effective: July 1, 2008.

Merritt, Lubbers, Gard

January 10, 2008, read first time and referred to Committee on Local Government and Elections.

January 16, 2008, amended, reported favorably — Do Pass.

January 22, 2008, read second time, amended, ordered engrossed.

January 23, 2008, engrossed.

January 24, 2008, returned to second reading.

January 28, 2008, reread second time, amended, ordered engrossed.

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and maintaining emergency responder certification and credentialing requirements and procedures. Provides that the requirements and procedures must be in accordance with the National Incident Management System and appropriate national professional standards and certification organizations and boards. Specifies that a subcommittee of the professional standards board, under the direction of a board-certified emergency physician, is responsible for certification and credentialing of emergency medical responders. Exempts from the property tax levy limits any amounts imposed by the consolidated city or the county to fund former township indebtedness. Establishes a maximum property tax levy for the consolidated city for property taxes payable in 2009, 2010, and 2011 that is the sum of the city's 2009 maximum levy plus the combined amounts levied in 2008 by the townships for firefighting. Specifies that the balance in the cumulative building and equipment fund for fire protection and related services of each entity whose fire department is consolidated into the fire department of the consolidated city be transferred to the consolidated city's cumulative building and equipment fund for fire protection and related services.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 280

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-3-1-5.1, AS AMENDED BY P.L.216-2007,
2 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]: Sec. 5.1. (a) Except for those duties that are reserved
4 by law to the county sheriff, ~~in this section~~, the city-county legislative
5 body may by majority vote adopt an ordinance, approved by the mayor,
6 to consolidate the police department of the consolidated city and the
7 county sheriff's department.
8 (b) The city-county legislative body may not adopt an ordinance
9 under this section unless it first:
10 (1) holds a public hearing on the proposed consolidation; and
11 (2) determines that:
12 (A) reasonable and adequate police protection can be provided
13 through the consolidation; and
14 (B) the consolidation is in the public interest.
15 (c) If an ordinance is adopted under this section, the consolidation
16 shall take effect on the date specified in the ordinance.
17 (d) ~~Notwithstanding any other law, an ordinance adopted under this~~

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section must provide that the county sheriff's department shall be responsible for all the following for the consolidated city and the county under the direction and control of the sheriff:

(1) County jail operations and facilities;

(2) Emergency communications;

(3) Security for buildings and property owned by:

(A) the consolidated city;

(B) the county; or

(C) both the consolidated city and county;

(4) Service of civil process and collection of taxes under tax warrants;

(5) Sex and violent offender registration;

(e) (d) The following apply if an ordinance is adopted under this section:

(1) The department of local government finance, on recommendation from the local government tax control board, shall adjust the maximum permissible ad valorem property tax levy of the consolidated city and the county for property taxes first due and payable in the year a consolidation takes effect under this section. When added together, the adjustments under this subdivision must total zero (0).

(2) The ordinance must specify which law enforcement officers of the police department and which law enforcement officers of the county sheriff's department shall be law enforcement officers of the consolidated law enforcement department.

(3) The ordinance may not prohibit the providing of law enforcement services for an excluded city under an interlocal agreement under IC 36-1-7.

(4) A member of the county police force who:

(A) was an employee beneficiary of the sheriff's pension trust before the consolidation of the law enforcement departments; and

(B) after the consolidation becomes a law enforcement officer of the consolidated law enforcement department;

remains an employee beneficiary of the sheriff's pension trust. The member retains, after the consolidation, credit in the sheriff's pension trust for service earned while a member of the county police force and continues to earn service credit in the sheriff's pension trust as a member of the consolidated law enforcement department for purposes of determining the member's benefits from the sheriff's pension trust.

(5) A member of the police department of the consolidated city

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1 who:

2 (A) was a member of the 1953 fund or the 1977 fund before
3 the consolidation of the law enforcement departments; and

4 (B) after the consolidation becomes a law enforcement officer
5 of the consolidated law enforcement department;

6 remains a member of the 1953 fund or the 1977 fund. The
7 member retains, after the consolidation, credit in the 1953 fund or
8 the 1977 fund for service earned while a member of the police
9 department of the consolidated city and continues to earn service
10 credit in the 1953 fund or the 1977 fund as a member of the
11 consolidated law enforcement department for purposes of
12 determining the member's benefits from the 1953 fund or the
13 1977 fund.

14 (6) The ordinance must designate the merit system that shall
15 apply to the law enforcement officers of the consolidated law
16 enforcement department.

17 (7) The ordinance must designate who shall serve as a coapplicant
18 for a warrant or an extension of a warrant under IC 35-33.5-2.

19 (8) The consolidated city may levy property taxes within the
20 consolidated city's maximum permissible ad valorem property tax
21 levy limit to provide for the payment of the expenses for the
22 operation of the consolidated law enforcement department. The
23 police special service district established under section 6 of this
24 chapter may levy property taxes to provide for the payment of
25 expenses for the operation of the consolidated law enforcement
26 department within the territory of the police special service
27 district. Property taxes to fund the pension obligation under
28 IC 36-8-7.5 may be levied only by the police special service
29 district within the police special service district. The consolidated
30 city may not levy property taxes to fund the pension obligation
31 under IC 36-8-7.5. Property taxes to fund the pension obligation
32 under IC 36-8-8 for members of the 1977 police officers' and
33 firefighters' pension and disability fund who were members of the
34 police department of the consolidated city on the effective date of
35 the consolidation may be levied only by the police special service
36 district within the police special service district. Property taxes to
37 fund the pension obligation under IC 36-8-10 for members of the
38 sheriff's pension trust and under IC 36-8-8 for members of the
39 1977 police officers' and firefighters' pension and disability fund
40 who were not members of the police department of the
41 consolidated city on the effective date of the consolidation may be
42 levied by the consolidated city within the consolidated city's

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maximum permissible ad valorem property tax levy. The assets of the consolidated city's 1953 fund and the assets of the sheriff's pension trust may not be pledged after the effective date of the consolidation as collateral for any loan.

(9) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year following the adoption of the consolidation ordinance and for the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the budget committee.

SECTION 2. IC 36-3-1-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 5.2. (a) After June 30, 2008, the executive of a consolidated city has all the powers and duties of the executive set forth in this article and IC 36-8 with respect to the consolidated law enforcement department.**

(b) After June 30, 2008, the county sheriff's department, under the direction and control of the county sheriff, is responsible for only the following for the consolidated city and the county:

(1) County jail operations and facilities.

(2) Security for buildings and property owned by:

(A) the consolidated city;

(B) the county; or

(C) both the consolidated city and the county.

(3) Service of civil process and collection of taxes under tax warrants.

(4) Sex and violent offender registration.

SECTION 3. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 22. (a) The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-3-1-6.1.**

(b) For purposes of this section:

(1) "consolidating entity" means:

(A) a township; or

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1 (B) a fire protection territory;
 2 whose fire department is consolidated into the fire
 3 department of a consolidated city under IC 36-3-1-6.1; and
 4 (2) "maximum levy" means the maximum permissible ad
 5 valorem property tax levy under section 3 of this chapter.
 6 (c) The maximum levy of a consolidated city for property taxes
 7 first due and payable in 2009, 2010, and 2011 is the sum of:
 8 (1) the maximum levy of the consolidated city for property
 9 taxes first due and payable in 2009 determined without regard
 10 to this section; plus
 11 (2) the amount equal to the combined property tax levies of
 12 each consolidating entity for property taxes first due and
 13 payable in 2008 for fire protection and related services.
 14 (d) The maximum levy for property taxes first due and payable
 15 in 2009 is reduced for each consolidating entity other than a
 16 township by the amount equal to the property tax levy of the
 17 consolidating entity for taxes first due and payable in 2008 for any
 18 services and operations for which responsibility is transferred to
 19 the consolidated city in 2009.
 20 (e) The maximum levy of a consolidating entity that is a
 21 township for the township's firefighting fund for property taxes
 22 first due and payable after 2008 is zero (0).
 23 (f) For purposes of determining the maximum levy for property
 24 taxes first due and payable in 2012 for an entity for which the
 25 maximum levy determined under this section for property taxes
 26 first due and payable in 2011 is greater than zero (0), the maximum
 27 levy to be used in:
 28 (1) STEP ONE of section 3(a) of this chapter; or
 29 (2) STEP ONE of section 3(b) of this chapter;
 30 is the maximum levy determined under this section for the entity
 31 for property taxes first due and payable in 2011.
 32 SECTION 4. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
 33 SECTION 560, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2008]: Sec. 6.1. (a) This section applies only in
 35 a county containing a consolidated city. If the requirements of
 36 subsection (g) are satisfied, The following fire departments of the
 37 following are consolidated into the fire department of a the
 38 consolidated city (referred to as "the consolidated fire department") on
 39 January 1, 2009:
 40 (1) The fire department of a township for which the
 41 consolidation is approved by the township legislative body and
 42 trustee and the legislative body and mayor of the located in the

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1 **county containing the consolidated city, regardless of whether**
 2 **the fire department is operated by the township or by another**
 3 **political subdivision.**

4 (2) **The fire department of** any fire protection territory
 5 established under IC 36-8-19 that is located in a township
 6 described in subdivision (1).

7 (b) ~~If the requirements of subsection (g) are satisfied; After~~
 8 **December 31, 2008,** the consolidated fire department shall provide fire
 9 protection services within an entity described in subsection (a)(1) or
 10 (a)(2) in which the requirements of subsection (g) are satisfied on the
 11 date agreed to in the resolution of the township legislative body and the
 12 ordinance of the legislative body of the consolidated city: **the county**
 13 **(excluding any excluded city).**

14 (c) ~~If the requirements of subsection (g) are satisfied and the fire~~
 15 ~~department of an entity listed in subsection (a) is consolidated into the~~
 16 ~~fire department of the consolidated city; All of the property, equipment,~~
 17 ~~records, rights, and contracts of the each department consolidated into~~
 18 ~~the fire department of the consolidated city are:~~

19 (1) transferred to; or

20 (2) assumed by;

21 the consolidated city on the effective date of the consolidation.
 22 However, real property other than real property used as a fire station
 23 may be transferred only on terms mutually agreed to by the legislative
 24 body and mayor of the consolidated city and the trustee and legislative
 25 body of the township in which that real property is located: **Any funds**
 26 **transferred under this subsection to the consolidated city that**
 27 **represent balances in a cumulative building and equipment fund**
 28 **for fire protection and related services established under**
 29 **IC 36-8-14 shall be deposited to the consolidated city's cumulative**
 30 **building and equipment fund for fire protection and related**
 31 **services and shall be used by the consolidated city for funding land,**
 32 **buildings, and equipment for fire protection and emergency**
 33 **medical services as provided under IC 36-8-14.**

34 (d) ~~If the requirements of subsection (g) are satisfied and the fire~~
 35 ~~department of an entity listed in subsection (a) is consolidated into the~~
 36 ~~fire department of the consolidated city; The employees of the a fire~~
 37 ~~department listed in subsection (a) that is consolidated into the fire~~
 38 ~~department of the consolidated city cease employment with the~~
 39 ~~department of the entity listed in subsection (a) and become employees~~
 40 ~~of the consolidated fire department on the effective date of the~~
 41 ~~consolidation. The consolidated city shall assume all agreements with~~
 42 ~~labor organizations that:~~

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(1) are in effect on the effective date of the consolidation; and
 (2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(e) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, the Indebtedness related to fire protection services incurred before the effective date of the consolidation by ~~the an entity whose fire department is consolidated into the consolidated fire department under subsection (a),~~ or a building, holding, or leasing corporation on behalf of the entity, ~~whose fire department is consolidated into the consolidated fire department under subsection (a)~~ shall remain the debt of the entity and does not become and may not be assumed, **defeased, paid, or refunded** by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

(f) **Notwithstanding any other law, to assume, defease, pay, or refund all or part of an indebtedness described in subsection (e), the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.**

(g) **Notwithstanding subsections (e) and (f), the consolidated city may not assume all or a part of an indebtedness described in subsection (e) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur.**

(h) **The rights of trustees and bondholders with respect to any:**

- (1) **bonds or other indebtedness described in subsection (e); or**
- (2) **bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (e);**

remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(f) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city; (i) **The merit board and the merit system of the each fire department that is consolidated into the fire**

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department of the consolidated city are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city, the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(h) (j) The following apply if the requirements of subsection (g) are satisfied: after a fire department listed in subsection (a) is consolidated into the fire department of the consolidated city:

(1) The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) (1) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's

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eligibility for benefits under IC 36-8-8.

~~(3)~~ **(2)** Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

~~(4)~~ **(3)** For property taxes first due and payable in the **first calendar** year in which **property taxes are first due and payable based on** the consolidation, is effective; the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 **for:**

(A) ~~is increased~~ for the consolidated city; by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) ~~is reduced~~ for the township **entity** whose fire department is consolidated into the fire department of the consolidated city under this section; by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

is determined under IC 6-1.1-18.5-22.

~~(5)~~ **(4)** The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for **balance in** the township's cumulative building and equipment fund for fire protection and related services of a township whose fire department is consolidated into the fire department of the consolidated city is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services; which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services. **as provided in subsection (c).**

~~(6)~~ **(5)** The local boards for the 1937 firefighters' pension fund

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and the 1977 police officers' and firefighters' pension and disability fund of ~~the township~~ **an entity whose fire department is consolidated into the fire department of the consolidated city** are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

~~(7)~~ **(6)** The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax ~~levy limit area served by the consolidated fire department~~ to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within **or that directly benefit** the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for ~~members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation~~ may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the ~~1937~~ firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the ~~1977~~ police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

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(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

(k) For a township that consolidated its fire department into the fire department of the consolidated city before July 1, 2008, this section and IC 6-3.5-6-18.5 apply to the consolidation to the extent this section and IC 6-3.5-6-18.5 do not conflict with:

(1) the consolidation ordinances adopted by the consolidated city and the township; or

(2) any consolidation agreement between the consolidated city and the township.

(l) Before January 1, 2009, the consolidated fire department shall develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. The consolidated fire department shall determine the resource requirements and resource deployments based on the risk assessment models promulgated by the Center for Public Safety Excellence, Inc., or a successor entity. The consolidated fire department must:

(1) update the strategic plan at least once every three (3) years; and

(2) annually report to the legislative body of the consolidated city concerning the implementation of the strategic plan.

SECTION 5. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.2. (a) If a ~~consolidated~~ fire department is ~~established~~ **consolidated** under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in those townships in the county that are consolidated under section 6.1 of this chapter.

(b) This section does not prohibit the providing of emergency ambulance services **by contract or** under an interlocal agreement

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under IC 36-1-7.

SECTION 6. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 6.4. (a) The executive of the consolidated city shall establish a professional standards board with responsibility after December 31, 2008, for establishing, validating, and maintaining emergency responder certification and credentialing requirements and procedures. The emergency responder certification and credentialing requirements and procedures must be in accordance with the National Incident Management System and appropriate national professional standards and certification organizations and boards.**

(b) The professional standards board shall before January 1, 2009, establish the following for each emergency responder position within the consolidated fire department:

- (1) Minimum initial certification and credentialing requirements.**
- (2) Experience and competency requirements.**
- (3) Continuing education requirements.**
- (4) Performance criteria.**
- (5) Recertification requirements.**

(c) After December 31, 2008, a subcommittee of the professional standards board, under the direction of a board certified emergency physician, is responsible for certification and credentialing of emergency medical responders.

SECTION 7. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 6. Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.1 in the name of:**

- (1) a township;**
- (2) a fire protection territory; or**
- (3) a building, holding, or leasing corporation on behalf of a township or a fire protection territory;**

to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and IC 36-3-1-6.1(g).

SECTION 8. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 1.1. Transfer of Township Services

Sec. 1. This chapter applies only to a county having a consolidated city.

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1 **Sec. 2. The functions, duties, and responsibilities of the township**
 2 **trustee and township board with respect to providing fire**
 3 **protection and related services are transferred to the county on**
 4 **January 1, 2009.**

5 **Sec. 3. The balance on January 1, 2009, in a debt service fund of**
 6 **a township that relates to debt incurred for firefighting purposes:**

7 (1) is transferred to the county in which the township is
 8 located; and

9 (2) shall be used by the county to pay indebtedness or lease
 10 rentals for which the fund was established.

11 **Any balance remaining in the fund after all payments for**
 12 **indebtedness or lease rentals required under this section have been**
 13 **made is transferred to the county general fund.**

14 **Sec. 4. (a) The balance on January 1, 2009, in a township's**
 15 **firefighting fund:**

16 (1) is transferred to the consolidated city; and

17 (2) shall be deposited in the general fund of the consolidated
 18 city.

19 **(b) The department of local government finance shall determine**
 20 **the amounts to be transferred under this section.**

21 **(c) IC 36-1-8-5 does not apply to a balance referred to in this**
 22 **section.**

23 **Sec. 5. The maximum permissible ad valorem property tax levy**
 24 **of the township, the consolidated city, and the county are adjusted**
 25 **under IC 6-1.1-18.5-22 to reflect the transfers under this chapter.**

26 **SECTION 9. IC 36-6-4-3, AS AMENDED BY P.L.1-2006,**
 27 **SECTION 562, IS AMENDED TO READ AS FOLLOWS**
 28 **[EFFECTIVE JULY 1, 2008]: Sec. 3. The executive shall do the**
 29 **following:**

30 (1) Keep a written record of official proceedings.

31 (2) Manage all township property interests.

32 (3) Keep township records open for public inspection.

33 (4) Attend all meetings of the township legislative body.

34 (5) Receive and pay out township funds.

35 (6) Examine and settle all accounts and demands chargeable
 36 against the township.

37 (7) Administer township assistance under IC 12-20 and
 38 IC 12-30-4.

39 (8) Perform the duties of fence viewer under IC 32-26.

40 (9) Act as township assessor when required by IC 36-6-5.

41 (10) Provide and maintain cemeteries under IC 23-14.

42 (11) Provide fire protection under IC 36-8, except in a township:

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1 ~~that:~~

2 (A) **that** is located in a county having a consolidated city; and

3 (B) **whose fire department is consolidated the township's fire**
4 **department** under IC 36-3-1-6.1.

5 (12) File an annual personnel report under IC 5-11-13.

6 (13) Provide and maintain township parks and community centers
7 under IC 36-10.

8 (14) Destroy detrimental plants, noxious weeds, and rank
9 vegetation under IC 15-3-4.

10 (15) Provide insulin to the poor under IC 12-20-16.

11 (16) Perform other duties prescribed by statute.

12 SECTION 10. IC 36-6-4-8 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The executive
14 may use the township's share of state, county, and township tax
15 revenues and federal revenue sharing funds for all categories of
16 community services, if these funds are appropriated for these services
17 by the township legislative body. The executive may use these funds
18 for both operating and capital expenditures.

19 (b) With the consent of the township legislative body, the executive
20 may contract with corporations for health and community services not
21 specifically provided by another governmental entity.

22 (c) **Except in a township that is located in a county having a**
23 **consolidated city and whose fire department has been consolidated**
24 **under IC 36-3-1-6.1**, the executive may contract with a private person
25 to provide regular or emergency ambulance service within the
26 township. The contract may provide for the imposition and collection
27 of fees for this service.

28 (d) **Except in a township that is located in a county having a**
29 **consolidated city and whose fire department has been consolidated**
30 **under IC 36-3-1-6.1**, the township legislative body may adopt a
31 resolution to provide for the imposition and collection of fees for
32 ambulance services provided by the township police or fire department.

33 SECTION 11. IC 36-8-8-2.1 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.1. (a) As used in this
35 chapter, "local board" means the following:

36 (1) For a unit that established a 1925 fund for its police officers,
37 the local board described in IC 36-8-6-2.

38 (2) **Except as provided in subdivision (3)**, for a unit that
39 established a 1937 fund for its firefighters, the local board
40 described in IC 36-8-7-3.

41 (3) **For a unit that established a 1937 fund for its firefighters**
42 **and consolidates its fire department into the fire department**

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1 **of a consolidated city under IC 36-3-1-6.1:**

2 **(A) before the effective date of the consolidation, the local**
3 **board described in IC 36-8-7-3; and**

4 **(B) on and after the effective date of the consolidation, the**
5 **local board of the consolidated city established under**
6 **IC 36-8-7-3.**

7 ~~(3)~~ **(4)** For a consolidated city that established a 1953 fund for its
8 police officers, the local board described in IC 36-8-7.5-2.

9 ~~(4)~~ **(5)** For a unit, other than a consolidated city, that did not
10 establish a 1925 fund for its police officers or a 1937 fund for its
11 firefighters, the local board described in subsection (b) or (c).

12 (b) If a unit did not establish a 1925 fund for its police officers, a
13 local board shall be composed in the same manner described in
14 IC 36-8-6-2(b). However, if there is not a retired member of the
15 department, no one shall be appointed to that position until such time
16 as there is a retired member.

17 (c) **Except as provided in subsection (d)**, if a unit did not establish
18 a 1937 fund for its firefighters, a local board shall be composed in the
19 same manner described in IC 36-8-7-3(b). However, if there is not a
20 retired member of the department, no one shall be appointed to that
21 position until such time as there is a retired member.

22 **(d) If a unit located in a county containing a consolidated city**
23 **did not establish a 1937 fund for its firefighters and consolidates its**
24 **fire department into the fire department of the consolidated city**
25 **under IC 36-3-1-6.1, the local board is:**

26 **(1) before the effective date of the consolidation, the local**
27 **board described in IC 36-8-7-3; and**

28 **(2) on and after the effective date of the consolidation, the**
29 **local board of the consolidated city established under**
30 **IC 36-8-7-3.**

31 SECTION 12. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
32 SECTION 575, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Except as provided in
34 subsections (d), (e), (f), (g), (h), (k), (l), and (m):

35 (1) a police officer; or

36 (2) a firefighter;

37 who is less than thirty-six (36) years of age and who passes the baseline
38 statewide physical and mental examinations required under section 19
39 of this chapter shall be a member of the 1977 fund and is not a member
40 of the 1925 fund, the 1937 fund, or the 1953 fund.

41 (b) A police officer or firefighter with service before May 1, 1977,
42 who is hired or rehired after April 30, 1977, may receive credit under

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1 this chapter for service as a police officer or firefighter prior to entry
 2 into the 1977 fund if the employer who rehires the police officer or
 3 firefighter chooses to contribute to the 1977 fund the amount necessary
 4 to amortize the police officer's or firefighter's prior service liability over
 5 a period of not more than forty (40) years, the amount and the period
 6 to be determined by the PERF board. If the employer chooses to make
 7 the contributions, the police officer or firefighter is entitled to receive
 8 credit for the police officer's or firefighter's prior years of service
 9 without making contributions to the 1977 fund for that prior service. In
 10 no event may a police officer or firefighter receive credit for prior years
 11 of service if the police officer or firefighter is receiving a benefit or is
 12 entitled to receive a benefit in the future from any other public pension
 13 plan with respect to the prior years of service.

14 (c) Except as provided in section 18 of this chapter, a police officer
 15 or firefighter is entitled to credit for all years of service after April 30,
 16 1977, with the police or fire department of an employer covered by this
 17 chapter.

18 (d) A police officer or firefighter with twenty (20) years of service
 19 does not become a member of the 1977 fund and is not covered by this
 20 chapter, if the police officer or firefighter:

- 21 (1) was hired before May 1, 1977;
- 22 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 23 of which were repealed September 1, 1981); and
- 24 (3) is rehired after April 30, 1977, by the same employer.

25 (e) A police officer or firefighter does not become a member of the
 26 1977 fund and is not covered by this chapter if the police officer or
 27 firefighter:

- 28 (1) was hired before May 1, 1977;
- 29 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 30 of which were repealed September 1, 1981);
- 31 (3) was rehired after April 30, 1977, but before February 1, 1979;
- 32 and
- 33 (4) was made, before February 1, 1979, a member of a 1925,
- 34 1937, or 1953 fund.

35 (f) A police officer or firefighter does not become a member of the
 36 1977 fund and is not covered by this chapter if the police officer or
 37 firefighter:

- 38 (1) was hired by the police or fire department of a unit before May
- 39 1, 1977;
- 40 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 41 of which were repealed September 1, 1981);
- 42 (3) is rehired by the police or fire department of another unit after

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December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction; shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

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(3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);
is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the **consolidated** law enforcement department or fire department of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1**; and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

(1) may not be:

~~(1)~~ (A) retired for purposes of section 10 of this chapter; or

~~(2)~~ (B) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation;
and

(2) shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l).

SECTION 13. [EFFECTIVE JULY 1, 2008] **The general assembly finds the following:**

(1) A consolidated city faces unique budget challenges due to

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a high demand for services combined with the large number of tax exempt properties located in a consolidated city as the seat of state government, home to several institutions of higher education, and home to numerous national, state, and regional nonprofit corporations.

(2) By virtue of its size and population density, a consolidated city has unique overlapping territories of county, city, and township government and an absence of unincorporated areas within its county.

(3) By virtue of its size, population, and absence of unincorporated areas, development extends to and across the boundaries of the contiguous governmental territories located within a county having a consolidated city, thus giving less meaning to boundaries of the governmental territories located within the county.

(4) By virtue of its size, population, absence of unincorporated areas, overlapping territories, and development to and across the boundaries of contiguous governmental territories, there is less need for differentiation of local governmental services within the separate governmental territories located within a county having a consolidated city, but rather the local governmental service needs are similar and more uniform within and across a county having a consolidated city.

(5) The provision of local governmental services by multiple governmental entities with overlapping territories, and by governmental entities with contiguous territories with less meaningful boundaries, results in disparate levels of local governmental services within a county having a consolidated city and results in the inefficient and poor use of taxpayer dollars.

(6) As the state capital and a center for professional sporting events, tourism, and culture in central Indiana, the consolidated city faces unique demands for protecting governmental property and securing the safety of large numbers of residents and visitors, which require innovative approaches to public safety resources.

(7) If public safety resources are consolidated, residual services provided by townships are limited and can more effectively and uniformly be performed through consolidation at the city or county level.

(8) Substantial operational efficiencies, reduction of administrative costs, and economies of scale may be obtained

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1 in a consolidated city through consolidation of certain county,
2 city, and township services and operations.

3 (9) Consolidation of certain county, city, and township
4 services and operations in the consolidated city will serve the
5 public purpose by allowing the consolidated city to:

6 (A) eliminate duplicative services;

7 (B) provide better coordinated and more uniform delivery
8 of local governmental services;

9 (C) provide more unified tax rates; and

10 (D) allow local governmental services to be provided more
11 efficiently and at a lower cost than without consolidation.

12 (10) Efficient and fiscally responsible operation of local
13 government benefits the health and welfare of the citizens of
14 a consolidated city and is of public utility and benefit.

15 (11) The public purpose of this act is to provide a consolidated
16 city with the means to perform essential governmental
17 services for its citizens in an effective, efficient, and fiscally
18 responsible manner.

19 SECTION 14. [EFFECTIVE JULY 1, 2008] (a) The legislative
20 services agency shall prepare legislation for introduction in the
21 2009 regular session of the general assembly to organize and
22 correct statutes affected by this act, if necessary.

23 (b) This SECTION expires July 1, 2009.

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 280, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 14, delete "(if any)." and insert ".".
 Page 4, line 30, delete "(if any)." and insert ".".
 Page 5, line 31, delete "(if any)." and insert ".".
 Page 7, delete lines 22 through 42.
 Page 8, delete lines 1 through 17.
 Page 14, delete lines 30 through 42.
 Delete page 15.
 Page 16, delete lines 1 through 20.
 Page 17, delete lines 25 through 42.
 Delete pages 18 through 91.
 Page 92, delete lines 1 through 39.
 Page 95, line 41, after "township;" insert "**or**".
 Page 95, delete line 42.
 Page 96, line 1, delete "(C)" and insert "**(B)**".
 Page 96, line 34, delete "township assessors and".
 Page 97, line 7, delete "the township assessor and".
 Page 97, delete lines 27 through 42.
 Delete pages 98 through 131.
 Page 132, delete lines 1 through 32.
 Page 135, line 4, delete "After" and insert "**If an ordinance is adopted and approved under IC 36-6-1.2-2, after**".
 Page 135, delete lines 8 through 42.
 Delete pages 136 through 138.
 Page 139, delete lines 1 through 37.
 Page 147, delete lines 16 through 42.
 Delete page 148.
 Page 149, delete lines 1 through 14.
 Page 150, delete lines 23 through 42.
 Delete pages 151 through 154.
 Page 155, delete lines 1 through 16.
 Page 165, delete lines 20 through 42.
 Delete pages 166 through 170.
 Page 171, delete lines 1 through 3.
 Page 174, delete line 4.
 Page 174, line 5, delete "(3)" and insert "**(2)**".
 Page 174, line 9, delete "(4)" and insert "**(3)**".

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Page 174, line 11, delete "(5)" and insert "**(4)**".
 Page 174, delete lines 29 through 30.
 Page 174, line 37, delete "city that has not consolidated its fire" and insert "**city**".
 Page 174, delete line 38.
 Page 180, delete lines 27 through 42.
 Delete pages 181 through 182.
 Page 183, delete lines 1 through 21.
 Page 184, delete lines 4 through 42.
 Delete pages 185 through 186.
 Page 187, delete lines 1 through 12.
 Page 187, delete lines 23 through 42.
 Page 188, delete lines 1 through 10.
 Page 188, line 13, delete "(a)".
 Page 188, delete line 18.
 Page 188, line 19, delete "(3)" and insert "**(2)**".
 Page 188, line 20, delete "(4)" and insert "**(3)**".
 Page 188, line 21, delete ", an airport authority,".
 Page 188, delete lines 24 through 31.
 Page 189, delete line 3.
 Page 189, line 4, delete "(3)" and insert "**(2)**".
 Page 191, delete lines 25 through 42.
 Page 192, delete lines 1 through 9.
 Page 192, delete lines 16 through 18.
 Page 192, line 19, delete "3." and insert "**2.**".
 Page 192, delete lines 23 through 36.
 Page 192, line 37, delete "6." and insert "**3.**".
 Page 193, line 4, delete "7." and insert "**4.**".
 Page 193, line 13, delete "8." and insert "**5.**".
 Page 193, line 28, delete ", which are governed by other" and insert ":",
 Page 193, delete line 29.
 Page 193, line 30, delete "Abolishment of the" and insert "**The**".
 Page 193, line 30, delete "and the" and insert ".".
 Page 193, delete lines 31 through 32.
 Page 196, delete lines 35 through 42.
 Page 197, delete lines 1 through 26.
 Page 198, delete lines 3 through 42.
 Delete pages 199 through 204.
 Page 205, delete lines 1 through 21.
 Page 205, line 32, delete "or IC 36-3-1-6.3".
 Page 206, line 14, delete "or IC 36-3-1-6.3".

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Page 209, delete lines 29 through 42.
Page 210, delete lines 1 through 10.
Page 212, delete lines 35 through 42.
Page 213, delete lines 1 through 35.
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 280 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 5, Nays 3.

SENATE MOTION

Madam President: I move that Senators Lubbers and Gard be added as coauthors of Engrossed Senate Bill 280.

MERRITT

SENATE MOTION

Madam President: I move that Senate Bill 280 be amended to read as follows:

Replace the effective dates in SECTIONS 14 through 22 with "[EFFECTIVE JULY 1, 2008]".

Replace the effective date in SECTION 54 with "[EFFECTIVE JULY 1, 2008]".

Page 40, line 33, after "sheriff " insert ",".

Page 40, line 33, strike "in this section,".

Page 51, delete lines 10 through 42.

Delete pages 52 through 53.

Page 54, delete line 1.

Page 55, line 34, after "township" insert **"(except for the operations of the office of township assessor)"**.

Page 65, delete line 19.

Renumber all SECTIONS consecutively.

(Reference is to SB 280 as printed January 17, 2008.)

MERRITT

SB 280—LS 6753/DI 87+



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SENATE MOTION

Madam President: I move that Engrossed Senate Bill 280, which is eligible for third reading, be returned to second reading for purposes of amendment.

MERRITT

SENATE MOTION

Madam President: I move that Senate Bill 280 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 39.

Page 40, delete lines 1 through 27.

Page 43, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 22. (a) The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-3-1-6.1.**

(b) For purposes of this section:

(1) "consolidating entity" means:

(A) a township; or

(B) a fire protection territory;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1; and

(2) "maximum levy" means the maximum permissible ad valorem property tax levy under section 3 of this chapter.

(c) The maximum levy of a consolidated city for property taxes first due and payable in 2009, 2010, and 2011 is the sum of:

(1) the maximum levy of the consolidated city for property taxes first due and payable in 2009 determined without regard to this section; plus

(2) the amount equal to the combined property tax levies of each consolidating entity for property taxes first due and payable in 2008 for fire protection and related services.

(d) The maximum levy for property taxes first due and payable in 2009 is reduced for each consolidating entity other than a township by the amount equal to the property tax levy of the

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consolidating entity for taxes first due and payable in 2008 for any services and operations for which responsibility is transferred to the consolidated city in 2009.

(e) The maximum levy of a consolidating entity that is a township for the township's firefighting fund for property taxes first due and payable after 2008 is zero (0).

(f) For purposes of determining the maximum levy for property taxes first due and payable in 2012 for an entity for which the maximum levy determined under this section for property taxes first due and payable in 2011 is greater than zero (0), the maximum levy to be used in:

(1) STEP ONE of section 3(a) of this chapter; or

(2) STEP ONE of section 3(b) of this chapter;

is the maximum levy determined under this section for the entity for property taxes first due and payable in 2011."

Page 50, delete lines 29 through 38.

Page 51, delete lines 39 through 42.

Delete pages 52 through 53.

Page 54, delete lines 1 through 6.

Page 55, delete lines 14 through 30.

Page 59, delete lines 38 through 40.

Page 61, delete lines 20 through 42.

Page 62, delete lines 1 through 19.

Re-number all SECTIONS consecutively.

(Reference is to SB 280 as reprinted January 23, 2008.)

MERRITT

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